

JC19 Rec'd PCT/DO 29 MAY 2001

09/762258

PATENT

Attorney Docket 040750-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ivan GOUT *et al.*)
)
U.S. Application No. 09/762,258) Group: Unassigned
)
International Filing Date: August 4, 1999) Examiner: Unassigned
)
National Stage Entry Date: February 5, 2001)
)
For: **Identification and Functional**)
Characterization of a Novel Ribosomal)
S6 Protein Kinase)

BOX PCT

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed March 28, 2001.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration or Oath

☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

05/31/2001 UEDUVIJE 00000076 09762258

01 FC:254
02 FC:215

65.00 OP
55.00 OP

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

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3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- ☐ Also enclosed is the Verification of Translation Document

4. Fee Calculation

Basic Fee: PCT Application \$860.00				
	Number Filed	Number Extra	at a Rate of	
Total Claims	00 - 20 =		\$18.00 each=	+0.00
Independent Claims	00 - 3 =		\$80.00 each=	+0.00
Multiple dependent claims, if any			\$270.00	+0.00
Missing Requirements Surcharge Fee			\$130.00	+130.00
SUB-TOTAL				=130.00
Fee For Application Filed With A Non-English Specification			\$130.00	+0.00
Fee For Processing and retention of application			\$130.00	+0.00
Reduction by ½ for filing by small entity				-65.00
TOTAL FILING FEE =				\$65.00

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$110.00	\$ 55.00
<input type="checkbox"/> two months	\$390.00	\$195.00
<input type="checkbox"/> three months	\$890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Extension of time fee due with this request:

\$55.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

6. Fee Payment

The total fee due is:	Completion Fees	\$ 65.00
	Extension Fees	\$ <u>55.00</u>
	Total Fee Due	\$120.00

- ☒ Enclosed is a check in the amounts of **\$120.00** representing the Missing Requirements Surcharge and a one-month extension of time fee.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

7. Additional papers enclosed.

- ☐ Preliminary Amendment
- ☐ PCT/IB/338 English translation of the International preliminary Examination Report
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, 00 documents as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of Sequence Listing, computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Date: **May 29, 2001**
Customer No. 009629
Morgan, Lewis & Bockius LLP
1800 M Street, N.W.
Washington, D.C. 20036
202-467-7000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Thomas F. Poché, Ph.D.
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09/762258

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

MAR 29 2001

U.S. APPLICATION NO. 09/762,258	SCOUT	FIRST NAMED APPLICANT T	ATTORNEY MORGAN, LEWIS & BOCKIUS
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5071

INTERNATIONAL APPLICATION NO.

PCT/US99/17595

I.A. FILING DATE

08/04/99

PRIORITY DATE

08/04/98

03/28/01

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495);

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☒ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 703-805-3784

BEST AVAILABLE COPY

Docketed 4/20/01 Attorney RGA UST-TFP
Case 40150-5002
Due Date MISSING Requirement due
Action 4/28/01
By JF Ck SOW

National State Processing
Patent Specialist